

Comments by Charlotte Rea, FERC Scoping meeting, 18 March 2015

Federal regulations (18 CFR Section 380.15(d)) require pipeline builders to consider the use, widening or extension of existing rights-of-way for building natural gas pipelines. These regulations also say that pipeline routes should avoid historic sites, national landmarks and parks, wetlands, recreational and wildlife areas, forested areas and steep slopes, if at all possible.

<https://www.law.cornell.edu/cfr/text/18/380.15>

Yet, despite our briefings to FERC, on-site visit, and communications with Dominion, Dominion continues to propose multiple routes through Nelson County filled with these sensitive areas. There is no route through Nelson that does not put private property owners or the County's economy and water supplies at risk.

A US Department of Energy study, ("Natural Gas Infrastructure Implications of Increased Demand from the Electric Power Sector"), published last month found the need for additional natural gas infrastructure will decline for the next fifteen years and that better use of existing natural gas infrastructure would reduce the need for new pipelines.

A recent US Energy Information Agency report (<http://marketrealist.com/2015/03/natural-gas-consumption-eia-predicts/>) showed that demand for natural gas is declining in every sector except export and industrial use—neither of which can be considered as being for public convenience and necessity. Nelson County has no need for the natural gas and will have no access to it.

All of the route options through Nelson are strictly on new private greenspace or sensitive public lands. There is no private landowner who will be made whole if their property is confiscated through eminent domain since the landowners will have to pay out of pocket to prove the value of their loss.

In light of the FERC guidance and the DOE report cited above and the unacceptable impacts to Nelson County this pipeline would cause if routed through the County, request FERC require the ACP LLC to:

- a. Provide a route for the pipeline which uses existing pipeline infrastructure and existing utility rights of way to the maximum extent possible thus minimizing the use of private property and eminent domain.
- b. Show for every wetland impacted by the ACP what measures were taken to avoid the wetland and why a route could not be found to avoid it.
- c. Provide a detailed demand analysis proving the domestic residential and commercial need for a pipeline of this size and the geographic location of the customer base. Just citing contracts with other natural gas utilities or midstream companies who can later use the gas for export or industrial use is not acceptable. It just makes a mockery of the NEPA (National Environmental Policy Act) environmental review process and violates the Fifth Amendment of the US Constitution.
- d. Certify that none of the natural gas transmitted by the ACP will be used for export by the ACP LLC or other natural gas utilities or midstream companies serving as its customers, partners or subcontractors.
- e. Prepare a plan showing how private property owners whose land is confiscated through the use of eminent domain will be made whole—i.e. will not incur **any** financial loss as a result of the confiscation of their property.